

It is only when anything is done which has a tendency to obstruct the ordinary course of justice or to prejudice a pending trial that the court has such summary jurisdiction. *Shipworth's case*, L. R. 9 Q. B., per Blackburn, J., at p. 233; *Hunt v. Clashe*, 58 L. J. Q. B., 490, and *Queen v. Payne*, (1896) 1 Q. B. 577, followed.

Province of British Columbia.

SUPREME COURT.

Hunter, C. J.]

[Jan. 21.

English Law-Stamp Act, 1853, s. 19 (Imp.) not applicable to British Columbia—Bills of Exchange Act—Intention of was to modify and alter as well as codify the law.

A local manager of an incorporated company who was authorized only to endorse cheques for deposit with the Bank of British Columbia, indorsed and cashed at the Bank of Montreal cheques payable to the company drawn on that Bank:—

Held, that the Bank of Montreal was liable to the Company for the amount of the cheques so cashed.

Sec. 19 of the Stamp Act, 1853 (Imp.), which exonerates bankers from liability if they pay on what purports to be an authorized indorsement is inapplicable to British Columbia and hence did not come into force by virtue of the English Law Act. Even if it were brought into force it was annulled by the repugnant legislation of the Bills of Exchange Act although not mentioned in the repealing schedule to the Act.

The Canadian Bills of Exchange Act was intended to modify and alter as well as to codify the law relating to bills of exchange, cheques and promissory notes.

Sir C. H. Tupper, K.C., and *Griffin*, for plaintiffs. *Wilson*, K.C., and *Bloomfield* for defendant.

Full Court].

[Jan. 27.

CENTRE STAR MINING CO. v. ROSSLAND MINERS' UNION.

Practice—Pleading—Appeal partially successful—Costs.

Appeal from an order of MARTIN, J. In an action against a labour union for damages in respect of the Rossland strike in 1901 the union pleaded that "they were not a company, corporation, co-partnership or person, and not capable of being sued in this or any action."

Held, a bad plea.

The defendants in their pleadings also claimed the benefit of the provisions of the Trade Unions Amendment Act of 1902, and plaintiffs applied